

**ADOPTED REGULATION OF THE
STATE REGISTRAR OF VITAL STATISTICS**

LCB File No. R092-10

Effective October 15, 2010

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 440.175 and 440.700.

A REGULATION relating to vital statistics; prescribing the schedule of fees the State Registrar of Vital Statistics shall charge and collect for providing certain records and for carrying out certain duties; and providing other matters properly relating thereto.

Section 1. Chapter 440 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A health district shall remit to the State Registrar:

(a) For each registration of a birth or death in its district\$2

(b) For each copy issued of a certificate of birth in its district, other than a copy issued pursuant to paragraph (a) of subsection 3 of NRS 440.175\$7

(c) For each copy issued of a certificate of death in its district.....\$1

2. Except as otherwise provided in NRS 440.700, the State Registrar will charge and collect the following fees:

(a) For searching the files for one name, if no copy is made.....\$10

(b) For verifying a vital record\$10

(c) For establishing and filing a record of paternity, other than a hospital-based paternity, and providing a certified copy of the new record.....\$40

(d) For a certified copy of a record of birth\$20

- (e) For a certified copy of a record of death originating in a county in which the board of county commissioners has not created an account for the support of the office of the county coroner pursuant to NRS 259.025\$20*
- (f) For a certified copy of a record of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025.....\$20*
- (g) For correcting a record on file with the State Registrar and providing a certified copy of the corrected record.....\$40*
- (h) For replacing a record on file with the State Registrar and providing a certified copy of the new record\$40*
- (i) For filing a delayed certificate of birth and providing a certified copy of the certificate\$40*
- (j) For the services of a notary public, provided by the State Registrar.....\$2*
- (k) For an index of records of marriage provided on microfiche to a person other than a county clerk or a county recorder of a county of this State\$200*
- (l) For an index of records of divorce provided on microfiche to a person other than a county clerk or a county recorder of a county in this State.....\$100*
- (m) For compiling data files which require specific changes in computer programming.....\$500*

HEALTH DIVISION
Bureau of Health Statistics, Planning and Emergency Response
Office of Vital Statistics
LCB File # R092 - 10

Information Statement per NRS 233B.066

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Public comment was solicited by the State Registrar Hearing Notice posted at Health Division locations, State Library and Archives, county libraries and emailed notification of the Notice of Public Hearing delivered to Vital Statistics stakeholders. There was no public comment given prior to or during the hearing. A summary of the State Registrar Hearing for Amendment of NAC 440 can be obtained by contacting the Office of Vital Statistics, 4150 Technology Way, #104, Carson City, NV 89706.

2. The number of persons who:
 - (a) Attended the hearing;
 - (b) Testified at each hearing; and
 - (c) Submitted to the agency written statements.

7 people were present at the hearing. Richard Whitley opened the meeting and Rani Reed, Program Officer for the Office of Vital Statistics, presented the proposal to amend Nevada Administrative Code 440. Public comment was solicited by Richard Whitley. No public comments were given orally or written.

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Notice of State Registrar Hearing, Small Business Impact Statement, Agenda and a copy of proposed regulation NAC 440 was sent to all anticipated affected businesses. No written or oral responses were submitted from affected businesses. A summary of the State Registrar Hearing for Amendment of NAC 440 can be obtained by contacting the Office of Vital Statistics, 4150 Technology Way, #104, Carson City, NV 89706.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed.

Proposed regulation was adopted as proposed due to fees being comparable with other state and local vital records agencies and proposed fees accurately reflecting the cost of doing business. There was no opposition by the local health authorities.

5. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must Include:
 - (a) Both adverse and beneficial effects; and
 - (b) Both immediate and long term effects.

The direct adverse affects to the small businesses will be the additional costs to the funeral homes if an Affidavit of Correction is needed to amend a record.

The indirect affects will be impact to the public using the services of a funeral home with increased fees for certified death certificates and amendments to records. Approximately 30% of the Nevada population will be affected by this increase. The Southern Nevada Health District Office of Vital Records increased fees for birth and death certificates on July 1, 2007 which is the amount the Nevada State Health Division Office of Vital Statistics is now proposing.

The direct and indirect benefits of this increase will be improved quality of services and data required by an increasingly more complicated vital records system and a fee structure that will reflect and support the cost of doing business.

6. The estimated cost to the agency for enforcement of the proposed regulation,

There are no additional costs to the agency for enforcement of the proposed regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, name the regulating federal agency.

No duplication is created or is already in existence.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

No federal regulations exist for the activity.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed fee increase will generate approximately \$368,511 additional General Funds for the State of Nevada to offset the General Fund allocation received by the Office of Vital Statistics.

10. If the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formulation, operation or expansion of a small business. What methods did the agency use in determining the impact of the regulation on a small business?

The agency reviewed the suggestions for changes that would lessen the economic impact. Wherever possible, in keeping with existing state laws, these changes will be made.

LEGISLATIVE REVIEW OF REGULATIONS

233B.066 Informational statement required concerning adopted regulation; contents of statement. Each adopted regulation which is submitted to the Legislative Counsel pursuant to NRS 233B.067 or filed with the Secretary of State pursuant to subsection 2 or 3 of NRS 233B.070 must be accompanied by a statement concerning the regulation which contains the following information:

1. The informational statement should list the descriptive title assigned to the proposed regulation after it has been returned to the agency by the Legislative Counsel Bureau in addition to the LCB File number (R#).
2. A description of how public comment was solicited, a summary of the public response, and an explanation how other interested persons may obtain a copy of the summary.
3. The number of persons who:
 - a. Attended each hearing,
 - b. Testified at each hearing; and
 - c. Submitted to the agency written statements.
4. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.
5. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

NOTE: If no changes were made to a proposed regulation, the informational statement submitted with the adopted regulation must include an explanation of the reason that no changes were made to the proposed regulation. (The explanation may be that no testimony was received in opposition to the proposed regulation or which suggested changes to the proposed regulation. Alternatively, the statement may provide a description of any public comment which suggested changes or additions to the language in the regulation and a summary of the reasons that no change was made in response to those suggestions.)

6. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:
 - a. Both adverse and beneficial effects; and
 - b. Both immediate and long-term effects
7. The estimated cost to the agency for enforcement of the proposed regulation.
8. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or

overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

9. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

10. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

Nevada State Health Division
SMALL BUSINESS IMPACT STATEMENT
(Nevada Revised Statutes 233B.0608)

Proposed Amendment of Nevada Administrative Code (NAC) 440

Fees for the Office of Vital Statistics

Background:

The Nevada State Health Division is proposing revisions of the Nevada Administrative Code (NAC) Chapter 440 for Vital Statistics in response to amendments made to Nevada Revised Statutes (NRS) 440.175 and 440.700 during the 26th Special Legislative Session. Assembly Bill 6, Section 43 and Section 44, moved the fees for Vital Statistics functions from NRS 440 into NAC 440 with fees to be established and approved by the State Registrar.

Interested individuals can obtain a copy of the information packet, including the Small Business Impact Questionnaire, sent to stakeholders and administrators including funeral homes, health officers, health districts, libraries and coroners from Rani Reed, Program Officer, Nevada Office of Vital Statistics, 4150 Technology Way, #104, Carson City, NV 89706

1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Pursuant to NRS 233B.0608(2)(a), the Nevada State Health Division requested input from all anticipated affected individuals.

A Small Business Impact Questionnaire was sent to all anticipated affected businesses along with written correspondence detailing the proposed regulations, including a copy of the proposed regulation changes, on May 6, 2010. The questions on the questionnaire were:

- 1) How many employees are currently employed by your business?
- 2) Will a specific regulation have an adverse economic effect upon your business?
- 3) Will the regulation(s) have any beneficial effect upon your business?
- 4) Do you anticipate any indirect adverse effects upon your business?
- 5) Do you anticipate any indirect beneficial effects upon your business?

Total Number of Responses:	6
Q1- # Meeting Small Business Definition	6
Q2- # Having Direct Adverse Effect:	3
Q3- # Having Direct Beneficial Effect:	0
Q4- # Having Indirect Adverse Effect:	3
Q5- # Having Indirect Beneficial Effect:	0

The Public Workshop for Proposed Amendment to Nevada Administrative Code 440 was held Monday, May 26, 2010 at 1:00PM at Nevada State Health Division, 4150 Technology Way, #303, Carson City, NV 89706. Video conferences were held at the following locations:

Southern Nevada Health District
625 Shadow Lane
Las Vegas, NV, 89106

Nevada State Health Division
Early Intervention Services
1020 Ruby Vista Drive, #102

Nevada Early Intervention Services
2667 Enterprise Road
Reno, NV 89512-1666

The workshop was called to order at 1:05 PM. The Standard Statement of Purpose of Regulations Public Workshop was read and no public comment was given at the time of the workshop. A copy of the official minutes can be obtained from the Office of Vital Statistics, 4150 Technology Way #104, Carson City, NV 89706.

2. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate including without limitation both adverse and beneficial effects and both direct and indirect effects.

The direct adverse affects to the small businesses will be the additional costs to the funeral homes if an Affidavit of Correction is needed to amend a record.

The indirect affects will be impact to the public using the services of a funeral home with increased fees for certified death certificates and amendments to records. Approximately 30% of the Nevada population will be affected by this increase. The Southern Nevada Health District Office of Vital Records increased fees for birth and death certificates on July 1, 2007 which is the amount the Nevada State Health Division Office of Vital Statistics is now proposing.

The direct and indirect benefits of this increase will be improved quality of services and data required by an increasingly more complicated vital records system and a fee structure that will reflect and support the cost of doing business.

3. A description of the methods that the Nevada State Health Division Office of Vital Statistics considered to reduce the impact of the proposed regulation on small businesses and statement regarding whether the agency actually used those methods.

The agency reviewed the suggestions for changes that would lessen the economic impact. Wherever possible, in keeping with existing state laws, these changes will be made.

4. The estimated cost to the agency for enforcement of the proposed regulation.

There is no anticipated additional cost to the agency for enforcement of the proposed regulation.

5. Total amount Health Division Vital Statistics expects to collect from any fees and the manner in which the money will be used.

The proposed fee increase will generate approximately \$368,511 additional General Funds for the State of Nevada to offset the General Fund allocation received by the Office of Vital Statistics.

6. An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.

No duplication or more stringent provisions are either created or are already in existence.